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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/561,065

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Leopoldo Bevilacqua

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EXAMINER

KIM, CHRISTOPHER S

ART UNIT

PAPER NUMBER

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/561,065	<b>Applicant(s)</b> BEVILACQUA ET AL.	
	<b>Examiner</b> Christopher S. Kim	<b>Art Unit</b> 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-11,13,14,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-11,13,14,17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/23/08</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 2, 2008 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Information Disclosure Statement***

3. Regarding the IDS filed May 23, 2008, the listed reference US 2002/0003312 A1 indicates applicant to be Spiegel, Richard V. US 2002/0003312 A1 is to Ganan-Calvo, Alfonso M.

### ***Drawings***

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "at least one feeding collector has a square or rectangular section" recited in claim 5 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 11, 13 and 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to

which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 11 recites the limitation "said first tighteners and second tighteners are provided with a central connection hole between an at least one side feeding hole and said nozzle-holder ramps.

The specification fails to teach a central connection hole between at least one side feeding hole and more than one nozzle-holder ramp. In other words the central connection hole is not disclosed as being between at least one side feeding hole and two nozzle-holder ramp.

In the case of the second tighteners, the specification fails to teach that the central connection hole is between the at least one side feeding hole and the nozzle-holder ramp. Rather, the at least one side feeding hole is disclosed as being between the central connection hole and the nozzle-holder ramp in each of the second tightener and nozzle-holder ramp connection.

7. Claims 1, 3-7, 9-11, 13, 14, 17, 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim 1 recites the limitation "said assembly and blockage of said vaporization nozzles to said nozzle-holder ramps" in lines 8-10. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites "...and opening and water circulation on said second ends." It is uncertain whether the "opening" is read as an adjective or noun. If it is read as a noun, does it define one opening on the second ends or an opening on each of the second ends?

Claim 10 recites the limitation "distribution plant components" in line 6. There is insufficient antecedent basis for this limitation in the claim. It is uncertain which components are being referenced.

Claim 11 recites the limitation "a central connection hole between at least one side feeding hole" in lines 2-3. The "central connection hole" and/or the "at least one side feeding hole" appears to be a double inclusion of the "at least one hole" recited in claim 10, line 4.

Claim 13 recites the limitation "the connection between the nozzle-holder ramps and vaporization nozzles" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the expected operating pressures" in lines 6-7. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "wherein said U-shaped blocking element, is fixed at base inside an indentation of a hexagonal head of said second tighteners" in lines 4-7. It appears to be grammatically incorrect.

Claim 17 recites the limitation "...and comprises curved elements..." starting on line 7. It is uncertain whether "comprises" refers to the shaped blocking element or the U-shaped blocking element.

Claim 17 recites the limitation "said two ends" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 18 recites the limitation "a cylindrical shaped body" in line 6. It appears to be a double inclusion of the vaporization nozzle.

Claim 18 recites the limitation "and a tongued terminal part..." It is uncertain whether it should be read as "said shaped blocking element comprises a first blocking element...and a tongued terminal part..." or "...for holding the vaporization nozzle in direct contact with a cylindrical shaped body and a tongued terminal part..."

Claim 18 appears to recite an additional element "a second blocking element" in lines 8-9. Parent claim 1 recites the transitional phrase "consisting" which is close ended.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 3, 4, 5, 7, 9, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weeth (3,587,972) in view of Siegler (4,582,257).

Weeth discloses a water vaporization distribution plant consisting of:

- at least one feeding collector 14;
- nozzle-holder ramps 16, 18, 20, 22, 24, 26;
- a series of vaporization nozzles 30;
- first tighteners 28;
- second tighteners 32;
- a shape blocking element 38.

Weeth differs from what is claimed in the nozzle-holder ramps having a square or rectangular section.

Siegler discloses, in the Background of the Invention, that rectangular cross section hoses are well known.

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have made the nozzle-holder ramps of Weeth with a rectangular cross section as taught by Siegler to assist in directing the outlet opening upwards.

Regarding claim 5, Weeth differs from what is claimed in the feeding collector having a square or rectangular section. Providing a square or rectangular section (cross section) is merely a change in shape. Rectangular cross sections are well known as evidenced by Siegler. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have made the feeding collector of Weeth with a rectangular cross section to assist in orienting its outlet opening.

Regarding claim 9, Weeth differs from what is claimed in the nozzle holder ramps having threaded sections in the first ends. Weeth discloses, in column 2, lines 42-45,



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"Branch line 16 is mad up of a number of flexible longitudinal sections of pipe...suitably coupled together." Threads are well known. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided threaded sections in the first ends of the nozzle holder ramps in the device of Weeth for ease in assembly.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1, 3-7, 9-11, 13, 14, 17, 18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Kim whose telephone number is (571) 272-4905. The examiner can normally be reached on Monday - Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on (571) 272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher S. Kim/  
Primary Examiner, Art Unit 3752

CK